



April 1, 2005

ENGROSSED HOUSE BILL No. 1126

DIGEST OF HB 1126 (Updated March 29, 2005 8:16 pm - DI 106)

Citations Affected: IC 34-30.

Synopsis: Immunity for 501(c)(3) organizations. Provides that volunteers and volunteer directors of: (1) certain community mental retardation and other developmental disabilities centers; (2) certain rehabilitation centers; and (3) nonprofit organizations; are immune from civil liability arising from the performance of the duties of the volunteer or volunteer director if the volunteer or volunteer director exercises reasonable care in the performance of those duties.

Effective: July 1, 2005.

Foley, Thomas, Frizzell
(SENATE SPONSOR — RIEGSECKER)

January 6, 2005, read first time and referred to Committee on Judiciary.
February 14, 2005, amended, reported — Do Pass.
February 17, 2005, read second time, ordered engrossed. Engrossed.
February 21, 2005, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 24, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
March 31, 2005, reported favorably — Do Pass.

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EH 1126—LS 7618/DI 106+



April 1, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1126

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-30-4-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) **This section**
3 **does not apply to a health care provider as defined in**
4 **IC 34-18-2-14.**

5 (b) ~~Notwithstanding any other provision of or any other law,~~ An
6 individual who:

7 (1) serves ~~without compensation~~ as a **volunteer or** volunteer
8 director of:

9 (A) a nonprofit corporation operating under IC 12-29-3-6; ~~or~~

10 (B) an agency providing services under IC 12-12-3; ~~or~~

11 (C) **a nonprofit organization that is exempt from federal**
12 **taxation under Section 501(c)(3) of the Internal Revenue**
13 **Code;** and

14 (2) exercises reasonable care in the performance of the
15 **individual's duties of a director, as a volunteer or a volunteer**
16 **director of an entity described in subdivision (1);**

17 is immune from civil liability arising out of the performance of those
18 duties.

EH 1126—LS 7618/DI 106+



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1126, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, after "Sec. 2." insert **"(a) This section does not apply to a health care provider as defined in IC 34-18-2-14.**

(b)".

Page 1, line 2, strike "Notwithstanding any".

Page 1, line 3, strike "other provision of or any other law,".

Page 1, line 3, delete "an" and insert "An".

Page 1, line 3, after "individual" delete ":".

Page 1, line 4, delete "(1)".

Page 1, run in lines 3 through 4.

Page 1, line 5, beginning with "(1)" begin a new line block indented.

Page 1, line 5, reset in roman "(1)".

Page 1, line 5, delete "(A) is employed by; or".

Page 1, line 6, delete "(B)".

Page 1, run in lines 5 through 6.

Page 1, line 8, beginning with "(A)" begin a new line double block indented.

Page 1, line 8, reset in roman "(A)".

Page 1, line 8, delete "," and insert ";".

Page 1, line 8, beginning with "(B)" begin a new line double block indented.

Page 1, line 8, reset in roman "(B)".

Page 1, line 9, delete "," and insert ";".

Page 1, line 9, after "or" begin a new line double block indented and insert:

"(C)".

Page 1, line 13, delete "an employee,".

Page 1, line 13, after "volunteer" delete ",".

and when so amended that said bill do pass.

(Reference is to HB 1126 as introduced.)

FOLEY, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1126, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1126 as printed February 15, 2005.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

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